

**NATURE OF CHARGE:** Misbranding, Section 502 (a), the statements in the labeling above referred to were false and misleading; Section 502 (b) (2), the labels failed to bear a statement of the quantity of the contents; and, Section 502 (e), the labels failed to bear a statement of the common or usual names of the active ingredients.

Adulteration, Section 501 (c), the strength of the articles differed from, and their quality fell below, that which they purported and were represented to possess since they were not "antitoxin" and "antiseptic," as represented.

**PRAYER OF COMPLAINT:** That the defendant be restrained and enjoined from shipping in interstate commerce the drugs "Kamba" or "Kamba Tonic."

**DISPOSITION:** On or about August 30, 1945, a default decree was entered granting the injunction. On September 26, 1945, the defendant filed a motion to set aside the default decree, which was granted on October 8, 1945.

On December 5, 1946, a decree for a permanent injunction was entered enjoining the defendant from introducing or causing to be introduced into interstate commerce any herb concoction, distillate, or other preparations under the name of "Kamba" or "Kamba Tonic" or any preparation made from the genus of herbs known as *Chamaebatia*. On December 27, 1946, the writ of injunction in accordance with said decree was issued.

On or about April 23, 1947, a complaint was filed charging violation of the writ of injunction. On October 3, 1947, the matter having been tried before the court, the defendant was found guilty of contempt and was sentenced to 6 months' imprisonment. The sentence was suspended, and the defendant was placed on probation for 6 months.

**2658. Adulteration of Dr. E. R. Eatons Formula. U. S. v. 3 Boxes \* \* \*.**  
(F. D. C. No. 25770. Sample No. 9075-K.)

**LIBEL FILED:** September 21, 1948, District of New Jersey.

**ALLEGED SHIPMENT:** On or about August 2, 1948, by the C. F. Kirk Co., from New York, N. Y.

**PRODUCT:** 3 boxes, each containing 25 ampuls, of *Dr. E. R. Eatons Formula* at Teaneck, N. J.

**NATURE OF CHARGE:** Adulteration, Section 501 (c), the purity and quality of the article fell below that which it purported and was represented to possess since it was represented for intravenous use and was contaminated with undissolved material, whereas an article intended for intravenous use should be substantially free of undissolved material.

**DISPOSITION:** March 28, 1949. Default decree of condemnation and destruction.

**2659. Adulteration and misbranding of prophylactics. U. S. v. 5 Gross \* \* \*.**  
(F. D. C. No. 26120. Sample No. 3876-K.)

**LIBEL FILED:** December 7, 1948, District of Columbia.

**ALLEGED SHIPMENT:** On or about September 16, 1948, by the Blue Ribbon Co., from Baltimore, Md.

**PRODUCT:** 5 gross of *prophylactics* at Washington, D. C. The product was packed in 3-unit tins, 4 tins to the package and 12 packages to the carton. Examination of samples showed that 2.45 percent were defective in that they contained holes.

**LABEL, IN PART:** "Blue Ribbon De Luxe."

**NATURE OF CHARGE:** Adulteration, Section 501 (c), the quality of the article fell below that which it purported and was represented to possess.

Misbranding, Section 502 (a), the label statements "\* \* \* \* tested by air \* \* \* for prevention of disease \* \* \*" were false and misleading as applied to an article containing holes; and, Section 502 (b) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents since the three-units tins and the package containing 4 tins of the article bore no statement of the quantity of the contents, and the statement on the gross-carton "One-Dozen" was inaccurate since the carton contained one gross.

**DISPOSITION:** April 6, 1949. Default decree of condemnation and destruction.

## **DRUGS AND DEVICES ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS\***

### **DRUGS FOR HUMAN USE**

**2660. Misbranding of estrogenic hormones in oil. U. S. v. Barry Laboratories, Inc., and Aaron W. Barry. Pleas of nolo contendere. Fine of \$1,000 against each defendant. (F. D. C. No. 25573. Sample No. 19243-K.)**

**INFORMATION FILED:** September 30, 1948, Eastern District of Michigan, against Barry Laboratories, Inc., Detroit, Mich., and Aaron W. Barry, president of the corporation.

**ALLEGED SHIPMENT:** On or about October 27, 1947, from the State of Michigan into the State of Ohio.

**LABEL, IN PART:** "Estrongenetic Hormones \* \* \* Manufactured For The Schuemann-Jones Co. Cleveland, Ohio."

**NATURE OF CHARGE:** Misbranding, Section 502 (a), the label statements "Estrongenetic Hormones A sterile, standardized solution of estrogenic hormones derived from gravid equine urine consisting principally of Estradiols with small quantities of Estrone, Equilin and Equilenin and traces of Alpha-Estradiol in neutral vegetable oil" and the statement "This preparation is a standardized oil solution of Estrogenic Hormones obtained from pregnancy urine," appearing in a circular enclosed with the article, were false and misleading. The statements represented and suggested that the article contained estrogens as they are found in, and abstracted from, gravid equine urine and that the article contained only traces of alpha-estradiol. The article did not consist of estrogens as they are present in, and abstracted from, gravid equine urine, and it did not contain only traces of alpha-estradiol since the predominant estrogen present in the article was alpha-estradiol.

**DISPOSITION:** February 28, 1949. Pleas of nolo contendere having been entered, the court imposed a fine of \$1,000 against each defendant.

**2661. Misbranding of Systemic Pilana Combination Tablets and Pilana Rectal Salve. U. S. v. Dr. Edward T. Molzahn (McCook Rectal Clinic). Plea of nolo contendere. Fine, \$100 and costs. (F. D. C. No. 24281. Sample No. 21407-K.)**

\*See also Nos. 2651, 2654, 2656, 2657, 2659.